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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 8(N)(3)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving a Maintenance Map for portions of West Dixie Highway between NE 195 Street and NE 193 Street, NE 195 Street between NE 26 Avenue and West Dixie Highway, and NE 26 Avenue between NE 195 Street and West Dixie Highway in Section 3, Township 52 South, Range 42 East, authorizing the Chairman and the Clerk of the Board to certify the Maintenance Map and authorizing the recording thereof among the public records of Miami-Dade County, Florida and to take all actions to effectuate the same

Resolution No. R-394-16

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

Abigail Price-Williams
County Attorney

APW/cp

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Memorandum

MIAMI-DADE COUNTY

Date: May 17, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Approving a Maintenance Map for Portions of West Dixie Highway between NE 195 Street and NE 193 Street, NE 195 Street between NE 26 Avenue and West Dixie Highway, and NE 26 Avenue between NE 195 Street and West Dixie Highway in Section 3, Township 52 South, Range 42 East, Authorizing the Chairman and the Clerk of the Board to Certify the Maintenance Map and Authorizing the Recording Thereof Among the Public Records of Miami-Dade County, Florida

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution approving a Maintenance Map for portions of West Dixie Highway between NE 195 Street and NE 193 Street, NE 195 Street between NE 26 Avenue and West Dixie Highway, and NE 26 Avenue between NE 195 Street and West Dixie Highway in Section 3, Township 52 South, Range 42 East, authorizing the Chairman and the Clerk of the Board to certify the same, and authorizing the recordation thereof in the Public Records of Miami-Dade County (County), Florida.

Scope

The subject road is a located within Commissioner Sally A. Heyman's District 4.

Fiscal Impact/Funding Source

There is currently no increase in maintenance cost to the County as a result of this action.

Track Record/Monitor

The Department of Transportation and Public Works (DTPW) is the entity overseeing this project and the person responsible for monitoring is Leandro Oña, P.E., Chief of the Roadway Engineering and Right of Way Division.

Background

West Dixie Highway between NE 195 Street and NE 193 Street, NE 195 Street between NE 26 Avenue and West Dixie Highway, and NE 26 Avenue between NE 195 Street and West Dixie Highway have been continuously maintained by the County for a period over seven (7) years. Therefore, in accordance with Section 95.361 of the Florida Statutes, title to the road maintained by the County for over seven (7) years, shall be deemed to be dedicated to the public and vests in the County. Pursuant to such statute, the filing of a maintenance map in the Office of the Clerk of the Court, which has been certified by the Chairman and the Clerk of the Board is deemed prima facie evidence of that ownership by the County.

The subject Maintenance Map has been executed by the Chief of the Road, Bridge and Canal Maintenance Division of DTPW, thereby certifying that the County has maintained this road for over seven (7) years. It is therefore recommended that the attached Maintenance Map be approved by the Board, after which it will be certified by the Chairman and the Clerk of the Board and recorded in the Public Records of Miami-Dade County, Florida, in accordance with Section 95.361 of the Florida Statutes.

Both the original and a reproducible of the Maintenance Maps are to be executed by the Chairman and Clerk the Board and returned to DTPW for recording in the Public Records of Miami-Dade County, Florida.

Alina T. Hudak
Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(N)(3)

Please note any items checked.

_____ "3-Day Rule" for committees applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Statement of social equity required

_____ Ordinance creating a new board requires detailed County Mayor's report for public hearing

_____ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve

_____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(N)(3)
5-17-16

RESOLUTION NO. R-394-16

RESOLUTION APPROVING A MAINTENANCE MAP FOR PORTIONS OF WEST DIXIE HIGHWAY BETWEEN NE 195 STREET AND NE 193 STREET, NE 195 STREET BETWEEN NE 26 AVENUE AND WEST DIXIE HIGHWAY, AND NE 26 AVENUE BETWEEN NE 195 STREET AND WEST DIXIE HIGHWAY IN SECTION 3, TOWNSHIP 52 SOUTH, RANGE 42 EAST, AUTHORIZING THE CHAIRMAN AND THE CLERK OF THE BOARD TO CERTIFY THE MAINTENANCE MAP AND AUTHORIZING THE RECORDING THEREOF AMONG THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND TO TAKE ALL ACTIONS TO EFFECTUATE THE SAME

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, the Director of the Department of Transportation and Public Works (DTPW) has recommended that an Official Maintenance Map be filed of record to indicate prima facie evidence of ownership, pursuant to the provisions of Section 95.361 of the Florida Statutes, and the County Mayor has concurred in such recommendation,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board ratifies and adopts these matters set forth in the foregoing recitals.

Section 2. This Board approves the Maintenance Map for a portion of West Dixie Highway between NE 195 Street and NE 193 Street, NE 195 Street between NE 26 Avenue and West Dixie Highway, and NE 26 Avenue between NE 195 Street and West Dixie Highway in Section 3, Township 52 South, Range 42 East, Miami-Dade County, attached as Exhibit "A",

authorizes the Chairman and the Clerk of the Board to certify same pursuant to Section 95.361 of the Florida Statutes, and directs the County Mayor or Mayor's designee to file same with the Clerk of the Circuit Court of Miami-Dade County, and to take all actions necessary to effectuate the same.

Section 3. Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or Mayor's designee to record any instruments executed in connection herewith which create or reserve a property interest in favor of the County, in the Public Records of Miami-Dade County Florida, and to provide a recorded copy of each instrument to the Clerk of the Board within 30 days of execution of said instruments; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of each of said instruments together with this resolution.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **aye**

Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Dennis C. Moss	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of May, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

(For DH)

Debra Herman

AFFIDAVIT

THIS IS TO CERTIFY THAT I, Antolin Ruiz, Jr., Chief, of Road, Bridge and Canal Maintenance Division of the Miami-Dade County Department of Transportation and Public Works have determined, to the best of my knowledge, that Miami-Dade County road forces have maintained the pavement, and the six (6) foot road shoulder along the swales of West Dixie Highway between NE 195th Street and NE 193rd Street, NE 195th Street between NE 26th Avenue and West Dixie Highway, and NE 26th Avenue between NE 195th Street and West Dixie Highway, in unincorporated Miami-Dade County, for at least seven (7) years.

Antolin Ruiz, Jr., Chief
Road, Bridge and Canal Maintenance Division Miami-Dade County
Department of Transportation and Public Works

STATE OF FLORIDA

COUNTY OF DADE

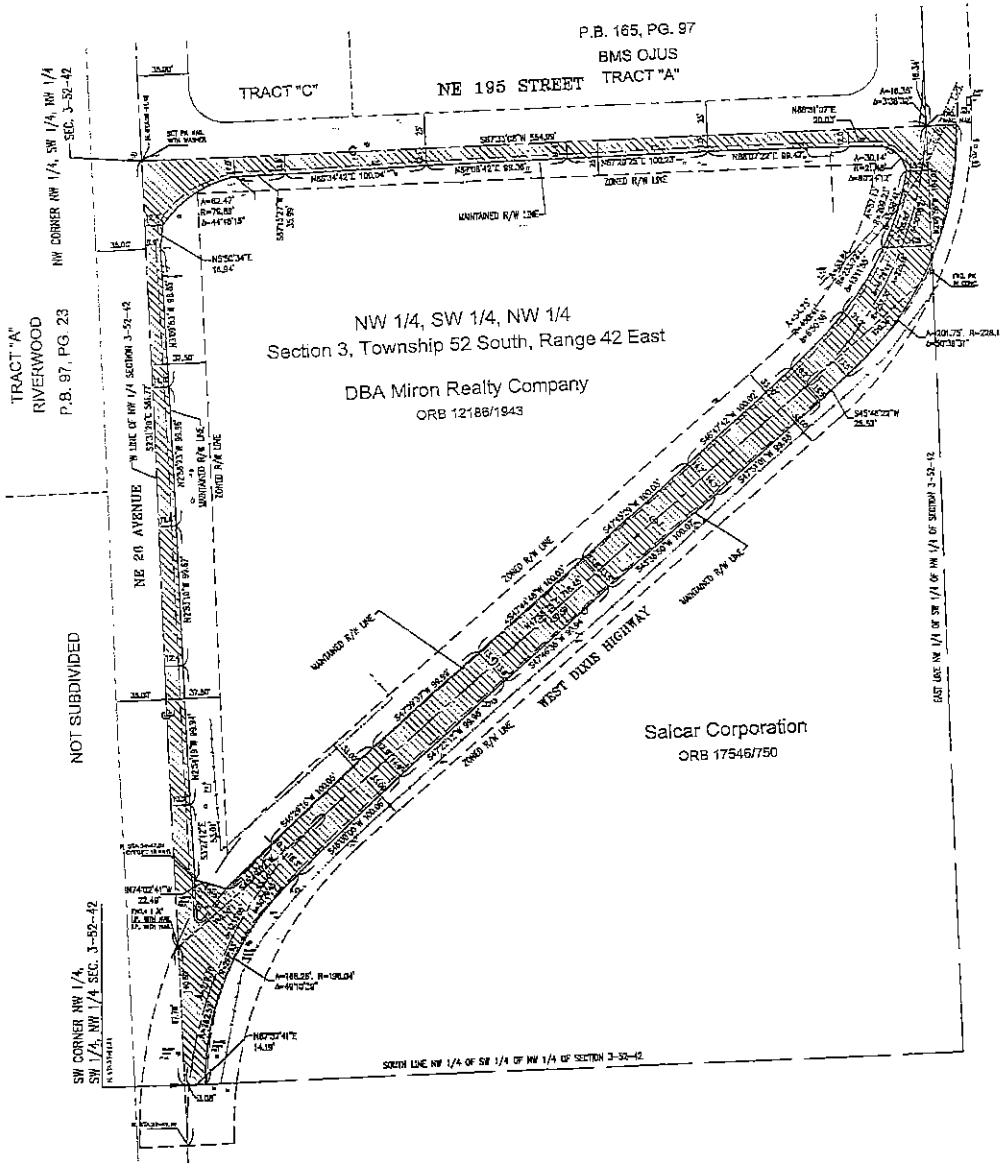
The foregoing instrument was acknowledged before me this 21 day of October, 2016 by Antolin Ruiz, Jr., who is personally known to me and who did take and oath.

John M. White
NOTARY PUBLIC STATE OF FLORIDA

MY COMMISSION EXPIRES: 4/20/2016

COMMISSION/SERIAL NO. EE189037

Notary Public State of Florida
John M White
My Commission EE 189037
Expires 04/20/2016



LEGEND

	LOT LINE	℄	CENTER LINE
	CENTER LINE	(A)	ARC LENGTH
	RIGHT-OF-WAY LINE	(A)	DELTA
	SECTION LINE	(R)	RADIUS
	MAINTAINED R/W LINE	R/W	RIGHT-OF-WAY LINE
	ZONED LINE	P.B.	PLAT BOOK
	SECTION	PG.	PAGE
	MAINTAINED AREA	ORB	OFFICIAL RECORD BOOK

SURVEYOR'S NOTES:

-BASIS OF BEARINGS AS PER WEST LINE OF SECTION 3-52-42 BASE LINE BEARS N 2°31'20" W
-PROPERTY BOUNDARIES DETERMINED FROM PLATS OF RECORD, FIELD SURVEY AND RECORD TITLE.
-THIS MAINTENANCE MAP IS SUPPORTED BY A SPECIAL PURPOSE SURVEY DATED 10-31-12 PREPARED UNDER THE RESPONSABLE CHARGE OF RICARDO JORGE PROFESSIONAL SURVEYOR AND MAPPER MIAMI-DADE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, SURVEY SECTION, 111 NW 1ST STREET, 16TH FLOOR MIAMI, FLORIDA 33128. (305) 375-2655
-ALL DISTANCES ARE BASED UPON THE U.S. SURVEY FOOT (1 FOOT=1200/3937M).

THIS IS TO CERTIFY that this Map numbered sheet one (1) of one (1) constitutes the official Maintenance Map showing location and survey by Miami-Dade County Department of Transportation and Public Works in Miami-Dade County, Florida.

THE PROPERTY shown hatched on said Map has been vested in Miami-Dade County, Florida, pursuant to the provisions of Chapter 95.361, Florida Statutes of 1991 or by other formal conveyance and other instruments.

THIS MAINTENANCE MAP was approved by Resolution No._____ passed and adopted by the Board of County Commissioners of Miami Dade-County, Florida, on this ____ day of _____, A.D. 2015.

ACCEPTED FOR FILES and recorded in the Public Records of Miami-Dade County, Florida this day____ of_____, A.D. 2015, at _____M. in Road Map Book _____ at Page ____.

Harvey Ruvin
Clerk of the Circuit Court
Miami-Dade County, Florida.

by: _____
Deputy Clerk

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the Board of County Commissioners of Miami-Dade County, Florida, on this ____ day of _____, A.D. 2015.

Attest:
HARVEY RUVIN, Clerk

by: _____
Deputy Clerk

MIAMI DADE-COUNTY, FLORIDA,
by: Its Board of County Commissioners

by: _____
MAYOR

THIS IS TO CERTIFY that the limits of the roadways as shown hatched on this Map have been maintained continuously for four (4) years immediately past, without interruption or disturbance within the limits depicted hereon: West Dixie Hwy from NE 26 Ave. to NE 195 Street; NE 195 Street from NE 26 Ave. to West Dixie Hwy, & NE 26 Ave from West Dixie Hwy to NE 195 Street, Miami-Dade County, Florida.

_____
Chief, Road, Bridge and Canal
Maintenance Division

EXHIBIT A

MAINTENANCE MAP	MIAMI-DADE COUNTY PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT. ROADWAY ENGINEERING AND RIGHT-OF-WAY DIVISION	MIAMI-DADE	REVISION	BY	DATE		BY	DATE	SUBMITTED BY: L. Ohe, PE, R/W Engineer	DATE	WEST DIXIE HIGHWAY NE 26 AVENUE AND NE 195 STREET	MAPS PREPARED BY: MIAMI-DADE COUNTY RIGHT-OF-WAY ENG. SECTION RIGHT-OF-WAY DIVISION	FIELD BOOK: PG.: 3852, PAGE 46
						PREPARED	J.Trade	11/2012					SCALE: 1" = 40'
						DRAWN	L.Espinosa		APPROVED BY: G. Miranda PE, Assistant Director	DATE		PROJECT: 10120031	SHEET: 1 OF 1
						CHECKED	J.Trade	08/2015					